

**ACCREDITATION HANDBOOK**  
**OFFICE OF FOREIGN MISSIONS (OFM)**  
**August 23, 2016**

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## **I. OVERVIEW**

### **A. Introduction**

The Department of State's Office of Foreign Missions (OFM) is the office of record for diplomatic and consular officers and other employees of foreign governments and international organizations in the United States and its territories.

OFM has prepared this handbook to disseminate to foreign missions, international organizations (IOs), and their personnel the Department's rules regarding notification and accreditation of personnel and their families. The rules herein are intended to be consistent with the Vienna Convention on Diplomatic Relations (VCDR), Vienna Convention on Consular Relations (VCCR), International Organizations Immunities Act (IOIA) (22 U.S.C. § 288 *et seq.*), Foreign Missions Act (FMA) (22 U.S.C. § 4301-4316), Immigration & Nationality Act (INA), and other applicable treaties and U.S. laws. This document supersedes all prior circular notes on the subject of notification and accreditation with respect to the missions and individuals covered by this document.

Nothing in this document shall be construed as preventing the Department from applying the provisions of this policy restrictively on a basis of reciprocity or according more favorable treatment than that which is set forth herein on the basis of existing and future bilateral arrangements.

Foreign missions and IOs are required to notify the Department promptly of the arrival/appointment and termination of duties of all members of the staff of foreign missions and IOs, including all locally employed staff and part-time employees, and members of their families. Foreign missions and IOs must also promptly report to the Department any changes in the status of notified persons, such as admission to permanent resident status, changes in position, or changes in family (including the birth or adoption of a child; the arrival of a spouse, parent, or child from abroad; the departure from either the household or country, or death, of any family member; changes in marital status).

These reporting requirements enable the Department to maintain accurate records of foreign government and IO personnel in the United States and are essential to continued enjoyment by personnel of the rights, privileges, and immunities which they enjoy in the United States. In the case of children born in the United States to foreign diplomatic agents, embassy staff, consular officers and employees, and other foreign mission members of international organizations in the United States, the Department may need to make a determination regarding acquisition of United States citizenship. In addition, because information is distributed to the public for various purposes, the Department wishes to ensure that this information is as accurate as possible, particularly for publications (i.e., the Diplomatic List) and for providing guidance to law enforcement and other federal, state, and local officials, as appropriate.

The notification of all employees, including U.S. citizens and LPRs, is also important to avoid running afoul of the Foreign Agents Registration Act (FARA). Section 3 of that Act (22 U.S.C. § 613) requires the recognition of every employee's official status and knowledge of

his/her activities by the Secretary of State in order to establish exemption from the requirement of registration as a foreign agent with the Department of Justice.

In accordance with VCDR Article 9, the acceptance of accreditation requests for personnel at foreign missions is solely within the discretion of the Department of State, subject to reciprocity and the criteria below. Requests for exceptions to these guidelines will be considered on the basis of reciprocity or in truly extenuating circumstances.

Missions and personnel should email questions to [OFM-FMMA@state.gov](mailto:OFM-FMMA@state.gov).

## **B. Not covered in this document**

This handbook does not address rules specific to the notification and accreditation of bilateral chiefs of mission (including the *agrément* process), *chargé d'affaires*, deputy chiefs of mission, and their families. Please direct questions relating to these individuals to the Office of the Chief of Protocol at [diplomaticaffairs@state.gov](mailto:diplomaticaffairs@state.gov).

This handbook does not address rules relating to the pre-notification and employment of domestic workers by foreign mission members. Please direct related questions to the Office of the Chief of Protocol at [domesticworkers@state.gov](mailto:domesticworkers@state.gov).

For rules specific to employees accredited to or employed by the United Nations, please visit the website of the U.S. Mission to the United Nations at <http://usun.state.gov>.

Rules specific to the notification and recognition of honorary consular officers will be addressed by OFM in a separate circular note. Please direct questions to OFM at [honoraryconsul@state.gov](mailto:honoraryconsul@state.gov).

Rules specific to the establishment of career consular posts will be addressed by OFM in a separate circular note. Please direct questions to OFM at [OFMProperty@state.gov](mailto:OFMProperty@state.gov).

Rules specific to the establishment of miscellaneous foreign government offices (MFGOs) and the registration of MFGO employees will be addressed by OFM in a separate circular note. Please direct questions to OFM at [OFMProperty@state.gov](mailto:OFMProperty@state.gov).

Rules specific to visa classification, qualification, and domestic visa renewal policy, including facilitation with changes or extensions of status, are determined by the Office of Visa Services in the Bureau of Consular Affairs. Please direct all questions relating to visas to the Visa Office at [diplomaticvisas@state.gov](mailto:diplomaticvisas@state.gov).

## **C. Common scenarios**

The following describes which actions to take for certain common scenarios. More detail about related requirements for each action is provided later in this handbook.

*Employees newly arrived in the United States?*

The foreign mission or IO must submit a Notification of Appointment (NOA) via the OFM E-Gov system upon the arrival of a principal employee to the United States. If a proposed new employee is already in the United States in another nonimmigrant visa status and is not intended to be hired as locally employed staff, the employing mission or IO must first ensure that the employee changes to the appropriate A or G nonimmigrant visa status. If locally employed, the individual must have permission to work in the United States.

*Employee transferring from one foreign mission post to another in the United States?*

The foreign mission or IO must submit a Notification of Termination (NOT) via eGov for the prior position and an NOA via eGov for the new position.

*Employee promoted from A&T staff to diplomatic agent, or from consular employee to consular officer (i.e., change in position type)?*

The employee must submit Form I-566 (signed and sealed by the mission) to request a change in visa status from A-2 to A-1 (including a note from the MFA, not the embassy itself, requesting the A-1 visa and describing the change in duties to be performed), an NOT via eGov for the prior position, and an NOA via eGov for the new position.

A request for the acceptance of accreditation as a diplomatic agent of one who is performing duties of an administrative and technical nature is incompatible with Department policy and the VCDR; therefore, the accompanying diplomatic note must include a detailed description of the diplomatic duties the person will perform.

*Employee has a new title without a change in position type (e.g., Second Secretary to First Secretary)?*

Submit a Notification of Change (NOC) via eGov with the new title.

*Employee promoted from consular officer to head of consular post?*

Submit an NOT via eGov for the prior position and an NOA for the new position.

*Family members arriving to United States with the principal?*

Include family member information on the principal's NOA.

*Family members arriving to United States after the principal?*

Do not include family member information on the NOA, but notify OFM of the dependents' arrival when they arrive. This scenario includes a new spouse because of marriage (include marriage certificate), a new child because of birth or adoption (include birth certificate and/or adoption records), or any family member following to join the principal. Note that a new spouse who is not a U.S. citizen or LPR would be required to change visa status to match the visa classification of the principal.

## **II. VISA REQUIREMENTS**

### **A. Consular Affairs' website for specific eligibility rules**

Visit the Consular Affairs' website for specific information about obtaining or renewing an A or G visa, as well as the website for the U.S. embassy or consular post at which the individual will be applying for a visa:

<http://travel.state.gov/content/visas/english/other/diplomat-foreign-government-official.html>  
<http://travel.state.gov/content/visas/english/other/employee-of-international-organization-nato.html>

### **B. Visa required for employment with foreign mission or international organization**

The following visas are required for accreditation as a member of the staff of a respective foreign mission or designated IO for all personnel,<sup>1</sup> other than U.S. citizens and LPRs:

- A-1, A-2: Foreign government officials and employees at an embassy or consulate
- G-1: Foreign government officials and employees (regardless of rank) at a member state's mission to a designated IO
- G-3: Generally includes foreign government officials and employees (regardless of rank) at a state's mission to a designated IO where the government is not a member of the IO
- G-4: Officers and employees of a designated IO assigned to that IO

Personnel who are traveling on behalf of a foreign government or designated IO on official business of a temporary nature (less than 90 days) must also qualify for and obtain the appropriate A or G visa.

All members of the immediate family forming part of the household of the principal official or employee, unless they are U.S. citizens or LPRs, must generally hold a visa that matches the visa classification of the principal official or employee whom they are accompanying or following to join, though certain exceptions exist for dependents working for a foreign mission, mission to an IO or on the staff of an IO.

Such visas must be obtained prior to the newly hired or arrived principal's performance of services. Under the INA, the commencement of employment before an individual is in the correct nonimmigrant visa status places the concerned individual in an unlawful status. Therefore, such individual is not permitted to take up his or her duties until the correct visa is obtained from a U.S. embassy or consular post or a change of status to the appropriate A or G nonimmigrant status in the United States has been approved by USCIS. NOAs will not be accepted, and no documents (e.g., ID card, tax exemption card, driver's license) will be issued or privileges and immunities afforded for any newly hired or arrived principal not in A or G nonimmigrant visa status.

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<sup>1</sup> Interns who will effectively be employees for the period the intern is in the United States must generally also qualify for and obtain A-2, G-1, G-3, or G-4 visas to work for the foreign government or IO as an intern.

U.S. citizens and LPRs may be employed in any position except as a diplomatic agent or career consular officer. They do not require a visa for this employment and are otherwise not entitled to any nonimmigrant visa classification, though their family members may be entitled to a nonimmigrant visa classification if the family member does not have U.S. citizenship or lawful permanent resident status.

### **C. Note required for all A or G visa requests, except routine renewals in the United States**

#### *Foreign government employees (A-1, A-2, G-1, G-2, G-3)*

In accordance with circular note No. 16-855, dated June 3, 2016, available at <http://www.state.gov/documents/organization/227759.pdf>, when an individual applies for a new A-1, A-2, G-1, G-2, or G-3 visa outside the United States, or requests a change into A-1, A-2, G-1, G-2, or G-3 nonimmigrant visa status within the United States, the sending government must provide a diplomatic note that contains the following information:

- the government official's or employee's name, date of birth, position and title, place of assignment or visit, purpose of travel, a brief description of his or her duties, travel date, and the anticipated length of the tour of duty or stay in the United States; and
- the names, relationships, and dates of birth of any dependents and other members of household who will be accompanying or joining the government official or employee.

For foreign government officials and employees who are assigned to an embassy, consulate, or miscellaneous foreign government office in the United States for 90 days or more and who will be accredited by the sending government, the "place of assignment or visit" must be the embassy, consulate, or miscellaneous foreign government office where the individual will be serving. The diplomatic note submitted on behalf of such accredited officials or employees must generally originate from the sending government's foreign ministry, and not from an embassy, consulate, or miscellaneous foreign government office located in the United States.

In the case of a career official or employee currently assigned outside of the United States and outside of the sending State, the Department may accept a note from the embassy or consulate at which the individual is currently assigned, provided the note certifies that the sending government's foreign ministry supports the visa application.

Where an official or employee is traveling to the United States for official activities for less than 90 days, the diplomatic note may be submitted by an appropriate foreign government office, such as the governmental office that employs the official or employee. All such notes should come from the relevant office of the sending government, and not from an embassy, consulate, or miscellaneous foreign government office located in the United States.

Consistent with immigration laws and regulations, the Department may require additional documentation to establish whether a particular applicant qualifies for an A-1 or A-2 visa. The aforementioned diplomatic note is generally not required for routine renewals of A-1, A-2, G-1, G-2, or G-3 visas in the United States.

### *IO employees (G-4)*

In accordance with circular note No. 16-886, dated June 7, 2016, available at <http://www.state.gov/documents/organization/227761.pdf>, when an individual applies for a new G-4 visa outside the United States, or requests a change into G-4 nonimmigrant visa status within the United States, the IO must provide a note that contains the following information:

- the IO officer's or employee's name, date of birth, position and title, place of assignment or visit, purpose of travel, a brief description of his or her duties, travel date, and the anticipated length of duty or stay in the United States, and
- the names, relationships, and dates of birth of any dependents and other members of household who will be accompanying or joining the officer or employee.

Consistent with immigration laws and regulations, the Department may require additional documentation to establish whether a particular applicant qualifies for a G-4 visa. The aforementioned note is generally not required for routine renewals of G-4 visas in the United States.

#### **D. Individuals already in possession of an A or G nonimmigrant visa**

##### **a. Present in the United States in A or G nonimmigrant status**

If an individual holds an unexpired A or G visa from a prior assignment that is also the proper visa classification for his/her new assignment, and he/she is working for the same foreign government or designated IO for which the previous A or G visa was issued, then once accredited, he/she is recommended to request a new visa through the Visa Office's Diplomatic Liaison Division to clearly associate his/her visa with the new assignment. Similarly, if an immediate family member holds an unexpired A or G visa that is the proper visa classification for his/her new assignment as a principal, then once accredited, he/she may request a new visa to clearly associate his/her visa with the new assignment as principal.

However, if an A or G visa holder will be employed by a foreign government other than the foreign government for which the previous A or G visa was issued or will be employed by a designated IO other than the IO for which the previous G-4 visa was issued, the individual may be required to depart the United States to request a new visa and/or seek a change of status.

If an individual holds an unexpired A visa from a prior assignment and the new assignment requires a G visa, the individual may be required to depart the United States to request a new visa and/or seek a change of status before employment may commence. The same applies to individuals holding an unexpired G visa from a prior assignment, who will now work in a position that requires an A visa. The individual will not be issued an ID card or tax exemption card until the change of nonimmigrant visa status is complete.

To request a new visa and/or seek a change of status in the United States, the sending government or IO must provide a diplomatic note as explained above in section II.C.

The Department reserves the right to determine on a case-by-case basis whether the individual must depart the United States and request the proper nonimmigrant visa at a U.S. embassy or consulate outside the United States. The Visa Office's Diplomatic Liaison Division in Washington may be able to facilitate change of nonimmigrant visa status in the United States in some instances. However, it may be more efficient for an individual to leave the United States to obtain the correct visa and return to the United States under their new visa status rather than request the change of nonimmigrant visa status in the United States. For instructions about changes of status in the United States, visit <http://www.travel.state.gov/content/visas/en/other/employee-of-international-organization-nato/a-g-nato-change-of-status.html>.

**b. Not Present in the United States in A or G nonimmigrant status**

If an individual holds an unexpired A or G visa from a prior assignment or official trip to the United States that is also the proper visa classification for his/her new assignment, he/she is recommended to request a new visa outside the United States to clearly associate his/her visas with the new assignment.

**E. Individuals in possession of a U.S. nonimmigrant visa other than an A or G visa**

If an individual holds an unexpired nonimmigrant visa (other than an A or G visa), he/she should not use this visa to enter the United States for the purpose of taking up employment at a foreign mission or IO or accompanying the principal as a member of the immediate family forming part of the household of the principal. Such individuals must apply for the appropriate A or G visa at a U.S. embassy or consular post overseas.

If the individual is already in the United States, he/she must depart the United States and request the proper A or G visa at a U.S. embassy or consular post outside the United States or in limited circumstances determined by consultation with the Office of Visa Services seek a change of nonimmigrant visa status to an A or G status in the United States.

The proper visa or approved change of nonimmigrant visa status must be obtained prior to the performance of services. NOAs will not be accepted, and no documents (e.g., ID card, tax exemption card, driver's license) will be issued or privileges and immunities afforded for any principal holding other than A or G nonimmigrant visa status.

**III. ARRIVALS / NOTIFICATION OF APPOINTMENT**

As stated above, foreign missions and IOs are required to notify the Department promptly (within 30 days) of the arrival (or appointment) of all members of the staff of foreign missions and IOs, including all locally employed staff and part-time employees, and members of their families (including the birth or adoption of a child). Foreign missions and IOs are not required to register personnel who will be present in the United States for fewer than 90 days.



Foreign missions and IOs should submit the NOA via eGov. *The name that is to be reflected on the NOA must be the full legal name as it appears on a passport and U.S. Government issued visa.* Separate NOAs must be submitted for both spouses of a tandem couple. (The following information is also requested on the NOA: residential address, arrival date, duty assume date, expected date of departure, predecessor information, family members, other U.S. assignments, and activities in the past five years.)

#### **A. Diplomatic Agents**

Diplomatic agents are employed only at embassies. For newly hired or arrived personnel to be recognized as a diplomatic agent at an embassy, and to retain such status, a person must:

- (1) be a national of the sending State and not a U.S. citizen or LPR;
- (2) possess a valid diplomatic passport issued by the sending State;
- (3) possess a recognized diplomatic title (Minister, Minister-Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, Attaché, Assistant Attaché);
- (4) hold an A-1 nonimmigrant visa;
- (5) be at least 21 years of age;
- (6) reside on a full time basis in the Washington, DC metropolitan area;
- (7) perform diplomatic functions on an essentially full-time basis (at least 35 hours per week);
- (8) not engage in any professional or commercial activity in the United States;
- (9) not be subject to pending criminal charges in the United States punishable by imprisonment of one year or more (or have immediate family members forming part of the household of the principal diplomat subject to such charges); and
- (10) other requirements, on the basis of reciprocity.

Diplomatic agents at the embassy who perform consular functions must have a diplomatic title as stated above, in addition to a consular title such as Consul General, Consul or Vice Consul. Only one NOA should be submitted. OFM will print both titles on the member's identification card.

The Department reiterates the emphasis placed on the performance of traditional and accepted diplomatic functions by accredited foreign diplomatic personnel assigned to the United States. Accordingly, the Department generally will not accept for accreditation any person who, during assignment in the United States, is or will be a student or trainee at any college, university, vocational school, military institution, or private or governmental foundation, or who is engaged in any pursuit inconsistent with regular and accepted diplomatic functions. A diplomatic agent's engaging in any professional or commercial activity, including gainful employment on the U.S. economy, is inconsistent with the VCDR and U.S. immigration laws.

Although VCDR Article 5(3) states that a head of mission or any members of the diplomatic staffs of missions also may act as representatives to international organizations, the VCDR provides no basis for such persons to serve on the staffs of IOs themselves (as opposed to the staff of a mission to the IO). The Department views service on the staff of an IO as incompatible with the functions of a diplomat, whose principal concern must be to assist in the

conduct of bilateral relations between the sending State and the United States as provided in VCDR Article 3.

## **B. Career Consular Officers**

Career consular officers are defined as only those employed at consular posts outside of Washington. The Department does not require the exchange of diplomatic notes for consular recognition. Submission by the mission of the NOA via eGov will be considered formal notification of the appointment of career consular officers.

No pre-approval or agrément is required for the head of the consular post, and no formal exequatur will be issued. Before OFM will accept the NOA for the head of a consular post, OFM must have received an NOT for his/her predecessor.

For newly hired or arrived personnel to be recognized as a career consular officer at a **consular post**, and to retain such status, a person must:

- (1) be a national of the sending State and not a U.S. citizen or LPR;
- (2) possess a valid diplomatic or official passport issued by the sending State;
- (3) possess a consular title (Consul General, Deputy Consul General, Consul, Deputy Consul, Vice Consul, Consular Agent);
- (4) hold an A-1 nonimmigrant visa;
- (5) be at least 21 years of age;
- (6) reside full-time in the area of the consular post and where recognition is requested;
- (7) devote official activities to consular duties on an essentially full-time basis (35 hours per week);
- (8) not engage in any professional or commercial activity in the United States (engaging in any professional or commercial activity including gainful employment on the U.S. economy is inconsistent with the VCCR and U.S. immigration laws.);
- (9) not be subject to pending criminal charges in the United States punishable by imprisonment of one year or more (or have immediate family members forming part of the household of the principal subject to such charges); and
- (10) other requirements, on the basis of reciprocity.

Consular officers cannot be recognized until the sending State has formally requested and established the consular post to which the officer is assigned in accordance with OFM procedure. Consular activities may not be performed before OFM has recognized the consular officer.

## **C. Requests for Dual Accreditation in New York**

The performance of official functions by a consular officer is not compatible with contemporaneously serving as a principal representative to the United Nations. This policy is premised on the significant difference in functions and the immunities enjoyed by persons with diplomatic status as compared to most consular officers.

The Department will give sympathetic consideration to exceptional circumstances where a member State of the United Nations would suffer serious hardship if it could not vest consular functions in a person entitled to diplomatic immunity pursuant to Section 15 of the United Nations Headquarters Agreement. The Department will give particular consideration to situations where: (1) the condition of the economy of the applying State is such that it could not operate a career consular establishment unless it were staffed by a diplomat accredited to the UN; and (2) owing to the very small size of its diplomatic and consular service, it could not maintain a consular establishment unless it vested consular functions in a person entitled to diplomatic immunity. In order to justify a need to economize on expenses and personnel, the applying State must submit to the Department a statement presenting evidence in detail to support its allegation of hardship, as well as an explanation as to why refusal of dual accreditation would be disadvantageous to it.

Should dual accreditation be granted, the exception made in each case will be based on the merits of that application alone. The full application procedure must be followed for each person nominated in a dual capacity. As soon as conditions in the sending State permit, the Department expects that application for recognition of a person to serve solely in a consular capacity would be made.

The Department will consider the dual accreditation of an individual who will perform administrative functions and duties as a consular employee as well as in connection with his/her government's representation to the United Nations.

#### **D. A&T Staff / Consular Employees / Service Staff**

Employees other than diplomatic agents and career consular officers include members of the administrative and technical staff (A&T staff), consular employees, and members of the service staff at embassies or consulates. Updated, separate guidance regarding MFGOs and their employees will be forthcoming from OFM.

Members of the A&T staff (employed at embassies), consular employees (employed at consular posts), and members of the service staff (employed at either embassies or consular posts) must hold A-2 visas unless they are U.S. citizens or LPRs. Such members must hold a diplomatic, official, or service passport to be considered for privileges and immunities. (See section H below on Locally Employed Staff if the individual does not hold a diplomatic, official, or service passport.) Individuals on A-2 visas must perform duties with the assigned mission full-time and reside in the metropolitan area of the assigned mission.

For these employees, missions are requested to provide the most accurate and descriptive job title that currently applies to the duties performed. A&T staff and consular employees may be, for example, security guards, administrative officers or assistants, purchasing agents, or clerks. Service staff employees may be, for example, drivers, chauffeurs, gardeners, caretakers, maintenance personnel, couriers, or messengers. Cleaning personnel and other service personnel who are employed by the mission, rather than individual members of the mission, and who are engaging in duties owed to the sending government in furtherance of the official functions of the mission pertaining to the maintenance of the residence and representational duties performed at

the residence of the head of a diplomatic mission or the principal officer of a consular post may also be members of the service staff of the mission. Individuals employed by a particular mission member in a domestic or personal capacity, such as to cook, clean, or take care of children in the private residence of a mission member may not be members of the service staff of the mission.

For any principals in A or G nonimmigrant visa status, engaging in any professional or commercial activity including gainful employment on the U.S. economy is inconsistent with the INA.

#### **E. Employees Working Outside the Mission Premises**

Employees performing diplomatic functions and physically working outside of the diplomatic or consular mission premises but in the same metropolitan area of the mission (for example, at U.S. Government offices) are generally treated as members of the mission in that metropolitan area and therefore should be notified to OFM.

#### **F. Foreign Government Employees & Officers and Employees of a Designated IO**

Foreign government officials and officers and employees of a designated IO must perform services for the foreign government or IO on an essentially full-time basis (at least 35 hours per week) and reside in the metropolitan area of the IO where they will be serving.

Unless they are U.S. citizens or LPRs, individuals representing a foreign government at an IO, regardless of rank, must hold G-1 visas. This includes, for example, employees at Permanent Missions to the OAS (unless dually accredited to the Embassy) or government-provided advisors at the IMF. In general, foreign government employees whose government is not a member state of the IO (which includes foreign government employees at Observer Missions to the OAS) must hold G-3 visas. Officials and employees of a designated IO working at that IO must hold G-4 visas.

Acceptable titles for international organization officials include: Permanent Resident Representative, Executive Director, Alternate Executive Director, Senior Advisor to Executive Director, Advisor to Executive Director.

If the assignment for which the appointee's visa was issued differs from that which is provided on the NOA, OFM may require supporting documentation, which may include a contract or a note from the sending government's ministry of foreign affairs or a letter from the IO, as appropriate, indicating that the individual is a full-time employee, and including their position and title, brief description of duties, and anticipated length of stay in the United States.

#### **G. Military Personnel**

For foreign military personnel assigned to the embassy with one of the following titles:

Defense Attaché, Assistant Defense Attaché, Defense Cooperation Attaché, Assistant Defense Cooperation Attaché, Military Attaché, Assistant Military Attaché, Naval Attaché, Assistant Naval Attaché, Air Attaché, Assistant Air Attaché, or a combination of these titles (i.e., Defense, Military, Naval, and Air Attaché)

the Embassy must notify such individuals to OFM as diplomatic agents (and therefore the individual must meet the criteria for diplomatic agents listed above) and must also obtain clearance from the Department of Defense (DOD) in order for that person to hold that title. The Embassy must provide information directly to DOD around the same time that they are submitting the NOA to OFM. If the Embassy has questions about what to provide DOD, contact DOD directly using the information below (which is accurate as of August 2016):

- DIA (required if title includes “Defense”) - Ms. Mell Semper;  
[Melvina.Semper@dodis.mil](mailto:Melvina.Semper@dodis.mil), (703) 695-2189
- Army (required if title includes “Military”)
  - Ms. Jackie Green; [jacqueline.m.green.civ@mail.mil](mailto:jacqueline.m.green.civ@mail.mil), (703) 692-1469
  - Ms. Robin Proudie; [robin.a.proudie.civ@mail.mil](mailto:robin.a.proudie.civ@mail.mil), (703) 692-1465
- Navy (required if title includes “Naval”) - Ms. Deborah Riley;  
[deborah.m.riley@navy.mil](mailto:deborah.m.riley@navy.mil), (703) 695-0050
- Air Force (required if title includes “Air”)
  - Ms. Donna Metz; [donna.l.metz4.civ@mail.mil](mailto:donna.l.metz4.civ@mail.mil), (703) 693-7777
  - Maj. Kevin Thomas; [kevin.t.thomas14.mil@mail.mil](mailto:kevin.t.thomas14.mil@mail.mil), (703) 693-7778

Before OFM will accept these persons’ accreditation and grant privileges and immunities, OFM must have received an NOT for his/her predecessor as well as approval from DOD.

Foreign military personnel without diplomatic titles who are assigned at the embassy to perform functions directly related to and in support of the mission must be notified to OFM as members of the A&T staff.

Although foreign military personnel assigned to the United States and working at locations other than their embassies may report to or come under the umbrella of the Defense or Military Attaché, they should not be notified as members of the embassy staff.

The following foreign military personnel assigned to the United States generally should not be notified to OFM: those in training, attending military schools or colleges, or where coursework is the primary focus of their mission, those assigned to any type of foreign military sales effort or joint military program, such as the Joint Strike Fighter program, those assigned to a multinational NATO defense unit, or those serving in a liaison capacity with the U.S. armed forces or a manufacturer of military materiel. In these cases, the primary focus of the assignment is considered separate and distinct from the full-time duties performed by members of the diplomatic missions and are not functions in support of the diplomatic mission.

## **H. Locally Employed Staff at Embassies and Consulates**

Embassies and consulates must notify to OFM all locally employed staff (LE Staff) who are hired by the mission in the United States and not assigned or appointed by the ministry of foreign affairs. LE Staff enjoy no privileges or immunities, and their dependents are not eligible to apply for work authorization through OFM.

LE Staff are generally U.S. citizens or LPRs.

If the embassy or consulate wishes to hire an individual who is neither a U.S. citizen nor an LPR, and that individual will be performing services full-time for the embassy or consulate, such individual must change his/her visa status to A-2 prior to performing services for the foreign government and prior to notification. Such individuals will generally be required to apply for the A-2 visa outside the United States where they can be interviewed by a consular officer. Such individuals are expected to hold their position for no more than five years.

## **I. Family Members**

All family members and changes in family must be notified to the Department of State, including the birth or adoption of a child (provide birth certificate if born in the United States) and a new spouse because of marriage (provide marriage certificate). If a family member arrives in the United States with the principal employee, the mission must include his/her information on the principal's NOA. If a family member arrives in the United States after the principal, do not include the family member's information on the NOA but notify OFM when the family member arrives in the United States.

If a child is born to or adopted by the principal while posted in the United States, the mission must notify the Department, providing a copy of the birth certificate and/or adoption records. If the child is born in the United States, the mission must include a birth certificate and request a "Letter of Determination of U.S. Citizenship" via OFM. OFM will provide information about the principal's diplomatic status to the Office of Overseas Citizens Services, which will prepare the letter and forward the original to the parents, with a scanned version sent to OFM. Note that generally, children born in the United States to parents who have diplomatic agent level immunity do not become U.S. citizens and determinations on United States citizenship for children born in the United States to other personnel must be made on a case-by-case basis. If not born a U.S. citizen or LPR, the child may be required to receive their first visa overseas.

## **IV. PRIVILEGES & IMMUNITIES**

The VCDR, VCCR, and certain bilateral agreements govern the privileges and immunities for diplomatic missions, consular posts, and their personnel and families. Certain representatives to IOs and officers and employees of IOs may enjoy privileges and immunities under the IOIA and various agreements.

In the case of accredited embassy or consular staff enjoying some level of privileges and immunities whose assignment lasts more than six years, the Department may seek confirmation

of continued posting by transmitting a note directly to the sending state's ministry of foreign affairs.

Articles 37 and 38 of the VCDR and Article 71 of the VCCR generally provide that mission members and their families enjoy limited or no privileges and immunities if they are nationals of or permanently resident in the receiving State. Consequently, the mission must promptly notify the Department when any employee or family member obtains LPR status or U.S. citizenship, and it is understood that privileges and immunities will be withdrawn whenever appropriate. As noted above, diplomatic agents and career consular officers are not permitted to be U.S. citizens or LPRs.

Persons assigned to temporary duty at a mission for less than 90 days generally do not enjoy privileges and immunities in the United States. In some circumstances, a principal or dependent will be eligible for an A or G visa and not enjoy privileges and immunities.

If an individual is not notified to OFM within 30 days of arrival, such person may be presumed to enjoy no privileges and immunities.

#### **A. Justification for Privileges and Immunities**

All members who hold A-2 visas accredited to the diplomatic mission or consular posts in the United States will be considered locally employed staff not entitled to privileges and immunities (that is, "permanently resident in" the United States for purposes of the VCDR and VCCR) unless the employing foreign state provides appropriate documentation to indicate that the sending state:

- (1) pays the cost of the employee's transportation to the U.S. from the employee's normal place of residence; and
- (2) undertakes to pay the cost of the employee's transportation from the United States to the employee's normal place of residence or to the country of the employee's next assignment at the end of the employee's tour of duty in the United States.

Furthermore, all members must hold a diplomatic, official, or service passport as stated above in order to be considered for privileges and immunities.

#### **B. Family Members**

The definition of "members of the family" for purposes of the VCDR Article 37, VCCR Article 71, and certain bilateral agreements, and therefore potentially eligible for privileges and immunities may, on the basis of reciprocity, include the principal's:

- Spouse;
- Same-sex domestic partner (SSDP);
- Unmarried children under 21 years of age;
- Unmarried children under 23 years of age who are attending an institution of higher learning on a full-time basis; and

- Unmarried children who have a mental or physical disability.

Each family member must not be a member of some other household, must reside exclusively in the household of the principal, and must be recognized by the sending State as a family member forming part of the household of the principal, as demonstrated by eligibility for rights and benefits from the sending State. Other applicable conditions and requirements for each are described below. If the Department is not notified of a family member, then such individual is presumed to not be a member of the family for purposes of the VCDR and VCCR.

In accordance with guidance from the White House, the Department is not in a position to accept the accreditation of opposite-sex domestic partners as members of the family for VCDR and VCCR purposes.

#### Full-time Students; Children with Disabilities

Children no longer enjoy privileges and immunities beginning on their 21<sup>st</sup> birthday, unless they are determined to be full-time students or disabled.

Unmarried children who are attending an institution of higher learning on a full-time basis may continue to enjoy privileges and immunities until their 23<sup>rd</sup> birthday but only if the mission submits biannually a diplomatic note along with a certified statement from the school's registrar showing the number of credit hours in which the child is enrolled in the current semester and the anticipated graduation date. Such children are considered to reside exclusively in the principal's household. Only students attending degree-granting programs at educational institutions in the United States will enjoy privileges and immunities under these guidelines, unless reciprocity is otherwise established.

When notifying children who have a mental or physical disability, the mission must submit a diplomatic note along with a letter from the attending doctor issued within the last six months that describes the nature and expected duration of the condition. If the child is dependent on his/her parents, the child will continue to enjoy their privileges and immunities regardless of age.

More restrictive policies may apply on the basis of reciprocity.

#### Members of Household (Secondary Dependents)

The definition of "immediate family" members for purposes of the issuance of an A or G visa on a derivative basis (22 CFR 41.21; 9 FAM 402.3-4(J)) is not the same as the definition of "members of the family" for purposes of the VCDR and VCCR. Those individuals who are issued an A or G visa but who are not spouses, SSDPs, or children as described above are considered to be "members of household" (or secondary dependents) and do not enjoy any privileges or immunities. These generally include parents, parents-in-law, and overage children. These individuals must be notified to OFM via the NOA (if arriving with the principal) or separately if arriving later than the principal.



### **C. ID cards**

ID cards are issued to the following:

- Principal employees at diplomatic missions or consular posts enjoying some degree of immunity
- Family members enjoying some immunity (children receive ID cards starting at age 16)
- Spouses (holding an A-1 or A-2 visa) of consular officers and consular employees

Principal employees who do not enjoy privileges and immunities, including U.S. citizens and LPRs, are not entitled to ID cards.

ID cards for those individuals covered by this document are mailed to the address of the relevant mission.

Please refer to circular note No. 15-1169, available at <http://www.state.gov/documents/organization/250633.pdf>, for information about replacing a lost or stolen ID card.

### **D. Other privileges**

For questions about tax exemption cards and import privileges, contact [OFMTaxCustoms@state.gov](mailto:OFMTaxCustoms@state.gov). For questions about driver's licenses and vehicle registration, contact [OFMDMVInfo@state.gov](mailto:OFMDMVInfo@state.gov). Tax exemption cards and driver's licenses are mailed to the applicant's residential address.

### **E. Duty to respect laws**

Under international law and practice, persons enjoying immunity from the jurisdiction of a receiving State's laws nonetheless have a duty to respect those laws. Immunity is not a license for misconduct. It is a doctrine intended to benefit the sending State or IO, not individuals. The Department policy for enforcement of these principles and for responding to the abuse of such immunities is described in [2 FAM 233-234](#).

In particular, OFM wishes to highlight that if outstanding debts are not settled within a reasonable period (not exceeding six months), continued reliance on immunity to evade a debt may affect a mission member's continued acceptability in the United States, to the extent consistent with U.S. international obligations. The departure of a mission member without settlement of outstanding debts may affect the Department's ability to accept a replacement and may also result in the United States taking such measures as may be appropriate.

## **V. DEPARTURES / NOTIFICATION OF TERMINATION**

The mission or IO must promptly submit a notification of termination via eGov for personnel at the conclusion of their assignment in the United States, or for any personnel terminating their diplomatic or consular duties to engage in other pursuits. All immunities, if

any, enjoyed by the principal and his/her family members in the United States terminate upon departure or 30 days after termination, whichever comes first, unless in a particular case a different time has been specified by the Department.

Whenever any person who has been accorded status as a member of the family in the United States ceases to reside with the principal (other than a student attending boarding school or college as described above), such person immediately ceases to be a member of the family within the meaning of the VCDR and VCCR. In such cases, the mission must notify OFM. Accordingly, all immunities, if any, previously enjoyed by such person would terminate upon departure or 30 days after ceasing to be a member of the immediate family forming part of the household of the principal, whichever comes first, unless in a particular case a different time has been specified by the Department.

Individuals will generally have 30 days following termination or change in family circumstance to depart the United States or seek a change or adjustment of their status. For exceptional circumstances, individuals may request an extra 30 days in advance, for a total of 60 days following their termination or change in family circumstance.

All Department-issued documents must be returned to the Department.

If an employee is transferring from one foreign mission post to another in the United States, the foreign mission or IO must submit a Notice of Termination via eGov for the prior position and an NOA via eGov for the new position. When a principal completes his/her tour of duty, and a Notice of Termination is processed by OFM, any family members working at the mission will also be terminated.